

M'INTYRE NOT GUILTY

Judge Albright Directed Jury to Return Such a Verdict.

TROUBLE OVER CHERRY TREES

The Simons Cut Them Down Because Philip Wallmin Was Gathering the Fruit—Cases in Which Verdicts Were Taken Yesterday.

Court was not in session yesterday afternoon and, therefore, the temple of justice was somewhat in keeping with the dull, heavy atmosphere of the outer world. In court room No. 2 two cases were disposed of and before Judge Edwards in the main court only one case was tried, but several verdicts were taken.

W. J. McIntyre, an insurance agent for the Prudential Life Insurance company, was on trial before Judge Albright when court opened, the indictment against him being embezzlement. McIntyre was charged with having collected various amounts of money from subscribers of the company and invariably suffered from loss of memory when the time arrived that he should turn the money over to the treasurer.

The defense assumed to have a contract made between himself and the company which stipulated that he was to retain a certain percentage as commission. The attorneys for the defense maintained that the contract should have been produced in evidence and in the absence of it the jury could not convict the defendant. Judge Albright held a similar view and instructed the jury to return a verdict of not guilty.

John Simon and Bridget Simon, husband and wife, were next arraigned, indicted with the offense of having committed malicious mischief. Philip Wallmin was the prosecutor. The defendants reside in the borough of Archbald.

Cut Down the Trees.

Wallmin was a tenant of Mrs. Nancy Shea, Simon's mother-in-law, and paid rent to her for a house and the use of the lot on which the house is situated. Growing on the lot were fifteen fruit cherry trees. When the season arrived that the trees bore fruit, Wallmin made up his mind to gather the cherry crop for his own use and the Simons held that he had no right to the cherries, so they chopped down the trees with their tomahawks. The prosecutor brought the suit claiming that the rights of his lease entitled him to the privilege of gathering the harvest of the trees. The jury went out to wrestle with themselves and had not agreed upon a verdict at 5 o'clock.

Samuel Ambrose and his brother, John, were called in the main court to answer for having stolen Nicolo Willard's cabbage. On Belmont street, Carbondale, Willard, who is a decrepit old Italian, lives in a small shanty and sustains himself out by tilling a small garden which the Delaware and Hudson company allows him gratuitously. One corner of the garden was fertilized most carefully by him and in it he raised a few hundred heads of cabbage. He arose on the morning of Sept. 22 last and found his cabbage garden destroyed and immediately he had a warrant issued for the two defendants. One of the brothers, John, did not answer to his name and a capias was issued for him. Samuel went on the stand and endeavored to prove an alibi. The jury went out and did not wait long to reach a verdict of guilty.

The Verdicts Returned.

A verdict was rendered by the jury in the case of the commonwealth against John Mocknock in which Michael Colish was the prosecutor. The defendant was acquitted and the costs placed on the prosecutor. Joseph Thomas, who was charged by Robert Dimore, the Jermyn saloon keeper, with the larceny of two pool balls, was found guilty and sentenced to a fine of \$1 and five days in the county jail. Mrs. Mary Hardwatz did not appear to prosecute Joseph Thomas for selling liquor on Sunday and on motion of District Attorney Kelley the costs were placed on the prosecutrix and a capias issued for her body.

In the case of the commonwealth against Michael Kalamin, charged by the prosecutor, Abraham Berger, with larceny of a coat, a verdict of not guilty was taken. The indictment against George Prokopovitch, charged with unlawfully refilling registered bottles by P. F. Leonard, was quashed. In the case of William Hogan, charged by John Jay with resisting an officer, a verdict of not guilty was taken, but the defendant must pay the costs.

Mike Coslosky, a sweepish looking individual, was called to answer a charge of assault and battery. There was no one in sight of the court who seemed to want the honor of prosecuting him and Michael escaped.

Bernard Davis, the terror of the Second ward speak earlier, said that all the witnesses to testify against Hannah Finnman for maintaining a tippling house were out of the country and Judge Albright remitted the costs against Lea Bous, as she is a charge at present on the Scranton poor district.

THEY WERE INJURED.

Some Viewers Allow to Fourth District Property Damaged.

The amended report of the viewers appointed by court to inquire into the damage caused by the construction of the Fourth district main sewer at Pine Brook yesterday presented their report to court and it was confirmed nisi. The following damages are allowed and the viewers are directed to pay the sums: John Long, \$1,200; M. P. Gilroy, \$100; Catharine DeLacey, \$150; Thomas P. Jones, \$250; Ann O'Hara, \$200; John P. Jones, \$150; Anthony Walsh, \$500; James Brennan, \$100; Anthony McHale, \$100; James Ruddy, \$150; M. J. Ruddy, \$150; Patrick Kahaner, \$150; William Dawson.

This report is signed by G. M. Watson, P. W. Stokes and C. R. Gardner, viewers.

AFTER EIGHT YEARS.

Patrick Sweeney, of Minooka, Home from a Long Visit at Cherry Hill.

Clerk of the Courts John H. Thomas received Tuesday the legal document from the officials at the Eastern penitentiary at Philadelphia, signifying that Patrick Sweeney had served his term of imprisonment and had been released. Sweeney and his brother, Terry, who was also convicted and sentenced to the same term, but who died six years ago in the penitentiary, used to live in Oak hill, a small hamlet below Greenwood.

They were miners, but that was too slow an occupation, and they entered upon a career of robbery. Their first offense was cow stealing, which they carried on to a wholesale extent. Next they became highwaymen and committed many depredations. They terrorized the southern part of the county

and held up several persons. One night they stopped Paymaster Robertson, of the Katydid colliery, near Moosic; he covered them with his revolver before they could demand the money and held the drop on Patrick until some one arrived and captured him. Terry escaped but eventually was also captured. They were tried and sentenced to nine years each.

REASONS FOR A NEW TRIAL.

They Were Filled with the Court in the Case of the Commonwealth Against Franz Bezek.

Reasons for a new trial in the case of Franz Bezek, convicted last week of the murder of Maria Kerzle, were presented to court yesterday morning by Attorneys Colburn and Watson. They set forth that the court erred in admitting the revolver and cartridges in evidence; in admitting the testimony of Philip Williams, C. I. Bergen and Fred Marguerd; in refusing to admit the evidence offered to show that the defendant was confined in an asylum at Liebach; in refusing to admit the testimony of John Kerzich; in striking out the answer of Anthony Kranz to the question, "How did he act?" in rejecting the offer of the defendant to prove by Anton Burshnak that Mr. and Mrs. Kramer bought the ticket upon which the deceased girl came to this country, for the purpose of contradicting the testimony of Mrs. Kramer upon that point. Their specifications are:

The court erred in that part of its general charge in which it stated "Right is considered evidence of guilt. It is your privilege to look upon this testimony in that light; it will bear that construction. You may also look upon it as evidence of fear on the part of the defendant." It is for the jury to state whether it will bear that construction and not for the court to instruct the jury that it will bear that construction.

The court erred in that part of the general charge in which it stated that "the evidence to sustain this contention of the defendant appears to me to be meagre." This language no doubt had weight with the jury in considering the question of the insanity of the defendant, it being while discussing the evidence on that point that the court made this remark.

These reasons will be discussed at argument to-morrow.

MRS. JONES-DAVIS SILENT.

Another Proposition Made by John Jermyn to the Milliner—The Store Offered to Her.

John Jermyn has made a new proposition to Mrs. Leah Jones-Davis, milliner, to vacate the building adjoining the new Hotel Jermyn property at the corner of Wyoming avenue and Spruce street. During the summer legal steps were taken and court decided that the house held by Mrs. Davis for the property owner from whom Mr. Jermyn purchased the building, is good for two years. After the court's decision Mr. Jermyn made no denial of having offered Mrs. Davis a goodly sum to relinquish her tenancy.

The indictment was not substantial enough and the millinery is doing business at the old stand.

Mr. Jermyn's most recent inducement to Mrs. Davis was made on Friday. It is reported to be a very handsome offer and included free rent in the basement of Mr. Jermyn's building at 117 Wyoming avenue and a few days from Mrs. Davis' present establishment. No. 117 is now occupied by W. C. Bushnell, leather dealer, who is going to move into a Spruce street building which he has purchased.

The new and towering steel framed hotel is meanwhile extending skyward and closing in upon the rear and northern side of Mrs. Davis' millinery parlors—and the proprietress of the bonnet and ribbon concern is silent.

PATRICK DEAN RELEASED.

Judge Gunster Decides That He Shall No Longer Be Restrained.

Judge Gunster made an order yesterday discharging Patrick A. Dean from the insane department of the Hillside Home, where he has been confined for two weeks. Dr. Evans, the resident physician, informed Judge Gunster that Dean was sane and that he did not think he would be benefited by remaining at the home.

Dean was committed to the asylum at the request of his brother, John Dean, who said that Patrick's mind was breaking down. His attorneys obtained a writ of habeas corpus and last Monday a hearing was held. At its conclusion Judge Gunster decided to hold the case under advisement for a week. The Deans reside at Providence, and Patrick is an inventor. He is unmarried and is 25 years of age.

Fine assortment of calendars, 1895. PRATT'S BOOK STORE.

The Ladies' Aid Society of the Elm Park church will serve an anniversary dinner on Thursday, Dec. 13, from 12 to 2 o'clock, to which all members of the church and congregation with their friends are cordially invited. A large gathering is anticipated, and ample preparation will be made in order to accommodate the business men of the city. Turkey, oysters and all the delicacies of the season will be served.

DARING BURGLAR.

Tried to Force an Entrance to Beyer Residence at Dunmore.

A bold attempt was made Monday night by a burglar to gain an entrance to the residence of E. M. Beyer, on Dudley street, Dunmore. Mrs. Dean was the only person at home at the time. She heard a noise on the back porch and on investigation found a man trying to enter the house.

Mr. and Mrs. Beyer arrived home just at that moment and the former gave chase, but could not overtake the burglar.

Are You Going to Buy an Opera Glass? Dr. Shimbler is selling now fine pearl Lamer opera glasses for \$3.50, worth \$7.50. 305 Spruce street.

Davis' Automatic Inkstand. PRATT'S BOOK STORE.

Great variety of Sleds, Clipper Wagons and Doll Carriages. PRATT'S BOOK STORE.

NOVELTIES

FOR THE

HOLIDAYS...

Books, Booklets, Art Calendars and Xmas Goods of all descriptions. High Class Framing a specialty.

PRATT'S, 212 Lackawanna Avenue.

CHANGES AT COURT HOUSE

Old Officers Will Retire and New Ones Assume Their Duties.

MANY NEW FACES WILL BE SEEN

In Several of the Offices a New Force of Assistants Will Take the Place of Those Who Are Now Doing Duty.

About Jan. 7 there will be many changes in the personnel of the servants of the people who attend to public business in the court house. Five of the present office holders will move out to make way for the successful candidates at the November election.

District Attorney Kelly will relinquish his suite of offices on the second floor of the building and District Attorney-deut John R. Jones will take possession of them. Attorney James O'Neill, who has been Mr. Kelly's assistant, will also bid adieu to the district attorney's office. Attorney John M. Harris is to succeed Mr. Jones and has not as yet divulged who he will be.

The business of the district attorney's office has increased to such an extent during the last few years that two assistants are necessary to keep abreast of the flood of cases that find their way there.

John J. Fahey steps out of the sheriff's office and Frank H. Clemons takes his place. All of Mr. Fahey's deputies go with him except, possibly, Frank Ryan, who has been chief deputy in the office for years. He is thoroughly versed in all the complicated details of the business connected with the office and may be retained at least until such time as Mr. Clemons has become perfectly familiar with all the details of his duties as high sheriff of Lackawanna county.

It speaks well for the care with which Sheriff Fahey has conducted his office that not a single trespass suit has been brought against him during his term. Such actions are the outgrowth of illegal sales and levies and are the bane of sheriffs, for the best of officials will at times make mistakes, especially when half a dozen persons claim ownership to the goods to be levied on.

Force Under the Sheriff.

Sheriff Fahey has three office deputies, besides one or two in the country districts, and has a force of seven men at the county jail. It is probable that Sheriff-elect Clemons will have a similar force. Since his election he has received hundreds of applications for positions. There is every reason to believe that J. D. Forber, the courteous door tender at the Academy of Music, will be one of the office deputies. He would make an excellent official.

The name of E. E. Robathan is also mentioned in connection with a deputyship. John Phillips, of the West Side, is mentioned for the position of warden of the jail.

Prothonotary C. E. Pryor will continue to do business at the old stand for three years more, and will retain his present official assistants. They are Myron Kaason, John P. Cummings and John Edwards. Clerk of the Courts John H. Thomas will also continue in office for three more years and Thomas P. Daniels and Emil Bonn, from whom there are no more obliging officials in the court house, will remain in the positions they now so acceptably fill.

Hopkins Will Return.

Henry T. Koehler leaves the office of register of wills and William Hopkins returns to it after an absence of three years. His brother, James Hopkins, will be his deputy. Recorder of Deeds Healey has a force of seven clerks under him. He will be succeeded by Charles Heuser, of the South Side, who defeated Mr. Healey in November. Miss Hattie Taylor, who has been chief clerk in the office for a number of years, will be retained under Mr. Heuser. There will be a number of changes in the remainder of the force.

Charles H. Schadt, whose election as county treasurer is being contested, will have a deputy, but who he will be is as yet kept from the public.

THE MOST remarkable cures of scrofula on record have been accomplished by Hood's Sarsaparilla. This medicine is unequalled for diseases of the blood. Take only Hood's.

HOOD'S PILLS are hand made, and perfect in proportion and appearance. See.

The sale of Parts 4, 5, 6, 7 and 8, of Palmer's "Cox's Interesting and Laughable 'Queer People'" will open on Friday morning at The Tribune business office.

Brush and Comb, Manicure, Toilet and Shaving Sets.

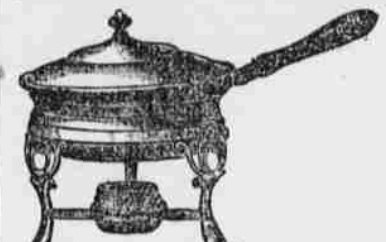
PRATT'S BOOK STORE.

Call at Griffin's new Photo Studio, ground floor, 222 Wyoming avenue.

Standard Diaries for 1895. PRATT'S BOOK STORE.

The \$40,000 School House, for Columbia avenue has been let and will be commenced immediately. There are still a few more lots left at a low price. Arthur Frothingham, Office, Theater Lobby.

Oxford, International, Bagster and Holman's Bibles. PRATT'S BOOK STORE.

ALUMINUM CHAFING DISHES**HOLIDAY PRESENTS.**

Make Your Selections Now and Have Them Set Aside.

DINNER, TEA and TOILET SETS, CUT GLASS, SILVER, Etc.

China Hall

WEICHEL & MILLAR,

116 WYOMING AVENUE.

On and after Dec. 8 we will keep open evenings until Christmas.

EVERYTHING NEW.

NEW STORE, NEW GOODS, NEW PRICES.

LOWER THAN EVER BEFORE.

IF

You buy your shoes of Schank

you wear the latest styles.

SCHANK'S Shoe Store

410 Spruce St.

A SUGGESTION

Of course you are in a quandary what to give for a Xmas present. Now your mind will be greatly relieved by visiting either of our stores, where our lines of Bath Robes, Canes, Umbrellas, Leather Goods, Neckwear, Gloves, Suspenders and Night Shirts are complete.

Our assortment is certainly the largest and best in the city.

THE CHRISTIAN, HATTER

412 SPRUCE ST. AND 205 LACK. AVE.

REEFERS. REEFERS

LARGE VARIETY, GOOD STYLES AND LOW PRICES.

We want to show you our MEN'S STRICTLY ALL WOOLEN \$10 SUIT

Colors, Grey, Black and Oxford Mixed.

MARTIN & DELANY,

Custom Tailors and Clothiers,

WYOMING AVE.

THE FASHION

308 Lackawanna Avenue.

GREAT REVOLUTION IN PRICES.

MILLINERY DEPARTMENT

Felt Hats, worth 49c., for 25c

Velvet Hats Trimmed with Jet and Tips, worth \$5.00, for \$2.98

Frosted Egrets, worth 39c., for 15c

CLOAK DEPARTMENT

New and desirable goods in Jackets, Plush and Cloth Capes, Fur Capes, etc., arriving daily and are sold at the Lowest Cash Prices.

HAIR CHAINS FOR CHRISTMAS PRESENTS.

Something nice for a Christmas Gift. Chains made out of your own or some dear friend's hair. Leave orders as early as possible.

E. M. HETZEL, - 230 Lacka. Ave.

READY FOR SANTA CLAUS

MATTHEWS BROS. NEW STORE, 133 FRANKLIN AVE.

We are now doing a general Drug, Paint and Oil business at the above location, during the vacation of our store building recently destroyed by fire.

New Goods

IN EVERY DEPARTMENT.

OUR TELEPHONE CALL, NO. 221. All orders promptly filled and delivered to any part of the city.

222 WYOMING AVENUE, Y. M. C. A. BUILDING.

133 FRANKLIN AVENUE.

A SUITABLE GIFT

A Smoking Jacket or House Coat

There is no gift more suitable, more handsome, or one that is more appreciated than a handsome

SMOKING JACKET OR HOUSE COAT

Our assortment of the above goods is very extensive; in fact, We Hold the Reins on these goods.

Examine our styles and prices before purchasing.

REMEMBER OUR GIFT TO THE BOYS

A PAIR OF GENUINE FREE STEEL CLUB SKATES

TO EVERY PURCHASER IN OUR BOYS' DEPARTMENT.

PENN CLOTHING AND SHOE HOUSE

137 AND 139 PENN AVENUE.

Complete Outfitters, S. L. GALLEN.

Complaints are being continually made, and not without reason, of the unmitigated nuisance caused by wagons being backed across sidewalks in various parts of the city, compelling pedestrians and others to go into the dirty streets, which have during the present week been more unfavorable than usual for this compulsory exercise. A city ordinance passed in 1895 provides, "If any horse or horse teams shall be found standing on any crossing or sidewalk, or tied with a line across any sidewalk, it shall be the duty of the chief of police or any police officer to seize and retain the same until the sum of \$1 be paid by the owner." By virtue of this ordinance the power to act is in the hands of the police. An instance of this nuisance occurs daily on Eighth street, where the sidewalk is blocked by wagons and horses. From every section come complaints of the serious annoyances and inconveniences caused by the infractions of this ordinance.

Secretary Atterton of the board of trade, who is a keen observer of commercial fluctuations, and qualified to give an opinion on the important question of trade interests in Scranton, is quite confident that this city is now on the verge of a boom in local trade which will make things "hum" for a considerable time.

Gold Pens and Pencils. PRATT'S BOOK STORE.

Turkish and Russian Baths for Ladies. At the request of physicians and ladies arrangements have been made to give baths to ladies on Tuesdays from 8 a. m. to 5 p. m. Private entrance through Owens' cloak parlors on Spruce street. M. J. Purcell, proprietor.

T. B. McClintock, has just received a large lot of Palms, Ferns, etc., for holiday presents and interior decorating.